

REMARKS

Claims 1-17 are pending. Claims 18-34 have been withdrawn. Claims 1-17 have been rejected. The specification and drawings have been objected to. Claims 1 and 5-17 have been amended. New claim 35 has been added. The specification and drawing have been amended. No new matter has been added. Applicant believes that the claims, specification, and drawings are now in condition for allowance.

Applicants would like to thank the Examiner for acknowledging receipt of the papers submitted under 35 U.S.C. 119(a)-(d), setting for the priority of the application.

Applicants would also like to thank the Examiner for acknowledging the receipt of the Information Disclosure Statement (IDS) filed on January 14, 2005.

Objection to the Specification

Applicant would like to thank the Examiner for pointing out various typographical errors in the specification. The specification has been amended to correct these typographical errors. No new matter has been added.

Objection to the Drawings

Applicant would like to thank the Examiner for pointing out inconsistencies between the drawings and the specification. The drawings have been amended to fix these inconsistencies. In FIGs 5 and 6, inconsistent reference numbers and symbols have been removed. In FIG. 12A inconsistent Japanese reference symbols have been replaced English reference symbols. No new matter has been added.

Amendments to the claims

Claims 1 and 5-17 have been amended to fix antecedent basis and to clarify the subject matter being claimed. New claim 35 has been added. This claim is fully supported by the specification.

Claim Rejections Under 35 U.S.C. § 112

Claim 1 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claim 1, 5-8, and 17 have been rejected because there is no antecedent basis for the limitation “the variation of electrical load.” Claims 4-16 have been rejected because there is no antecedent basis for the limitation “said electric double layer capacitor.” Claims 5-16 have been rejected because they lack antecedent basis for the limitations “said reacting gas supply system,” “the response time,” and “the output assistance operation period.” Claims 9-16 have been rejected because they lack antecedent basis for the limitation “the output assistance period.” Claim 17 is rejected because it lacks antecedent basis for the limitations “the input signals” and “the driving state.”

Claim 1 has been amended to now recite “an electric double layer capacitor” and “an excess amount supply device that is configured to supply an excess supply amount of a reacting gas.” Antecedent basis and readability issues were also fixed. Claim 5 was amended to now recite “a reacting gas supply system.”

Claims 6, 7, and 8 have been amended to change “the response time” to “a response time.” Claims 9-16 have been amended to change “the output assistance period” to “an output assistance operation period.” Claim 17 has been amended to change “the input signals” and “the driving state” to “input signals” and “a driving state” respectively.

Applicant believes these amendments place the claim in compliance with 35 U.S.C. 112, second paragraph, and as such respectfully request the withdrawal of the rejection to these claims.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kimura et al. (U.S. Patent No. 5,964,309), in view of Singh et al. (U.S. Patent No. 6,572,993). Claims 5-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kimura et al. (U.S.

Patent No. 5,964,309), in view of Singh et al. (U.S. Patent No. 6,572,993) and further in view of Suguira et al. (US 2002/0038732). Applicant respectfully traverses the rejections.

Applicant would respectfully like to bring to the Examiner's attention that, in the "DETAILED ACTION" section in the Office Action, Suguira is referred. This reference, however, is not found in the "Notice of Reference Cited" sheet attached to the Office Action, and Schienbein (US 2001/0004170) is listed instead. Applicant respectfully request that a corrected form PTO-092 be issued.

Applicant respectfully notes that the filing date of Singh is December 20, 2000, which is later than the priority date of this application, *i.e.*, November 17, 2000. Therefore, Singh is not a prior art to the present application. As such, Singh is not an appropriate reference for application under 35 U.S.C. § 103. To verify the priority date of the present application, the translation of the priority document is attached. In view of this, Applicant respectfully request that Singh be withdrawn as a cited reference.

Claims 1-4

Claims 1-4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kimura et al. (U.S. Patent No. 5,964,309), in view of Singh et al. (U.S. Patent No. 6,572,993). Applicant respectfully disagrees.

Claim 1 is independent. Claims 2-4 depend from claim 1 and as such incorporate each and every element of claim 1. Kimura fails to teach or suggest the subject matter of claim 1, specifically an electric double layer capacitor which is substantially directly connected to the fuel cell. In fact, the Examiner admits that Kimura fails to teach such a capacitor. (See page 5, paragraph 20 of the present Office Action.) The Examiner has attempted to address this shortcoming by combining Kimura with Singh.

As indicated above, Singh is not an appropriate reference to be cited. The filing date of Singh is December 20, 2000. The priority date of the pending application is November 17, 2000 (a translated copy of the priority document is attached). Therefore, Singh is not a prior art to the present application. As such, the combination of Singh with Kimura to cure the deficiencies of Kimura is inappropriate.

Therefore, because Kimura fails to teach or disclose each and every element of claim 1, and subsequently claims 2-4, and Singh does not predate the priority of the present application, Applicant believes that claims 1-4 are now in condition for allowance. As such, Applicant respectfully requests the withdrawal of the rejection to claims 1-4 under U.S.C. § 103.

Claims 5-16

Claims 5-16 depend directly or indirectly from claim 1 and as such incorporate each and every element of claim 1. As discussed above, Kimura fails to teach or disclose the subject matter of claim 1, specifically an electric double layer capacitor which is substantially directly connected to the fuel cell. Also as discussed above, the present application claims priority to a date before the filing date Singh. Therefore Singh cannot be relied upon as a reference. The addition of Suguira does not cure this deficiency.

Therefore, because neither Kimura nor Suguira, alone or in combination, fails to teach or disclose each and every element of claims 5-16, Applicant believes that claims 5-16 are now in condition for allowance. As such, Applicant respectfully requests the withdrawal of the rejection to claims 5-16 under U.S.C. § 103.


CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SIW-022 from which the undersigned is authorized to draw.

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Respectfully submitted,

By 
James M. McKenzie
Registration No.: 51,146
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400
(617) 742-4214 (Fax)
Attorney for Applicant

Amendments to the Drawings

The attached sheets of drawings include changes to Figs. 5, 6 and 12A. These sheets replace the original sheets for Figs 5, 6, and 12A. In Fig. 5, reference numbers 14 and 12 have been removed. In Fig. 6, reference symbols “Sn1,” “SW,” and “Sn2” have been removed. In Figure 12A, inconsistent reference characters have been replaced with “SMALL” and “LARGE.”

Attachment: Replacement Sheet